



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 13, 2016

Andrew Depaula  
1314 South Grand Blvd. #2181  
Spokane, Washington 99202

Re: Surface Water Application No. S3-30766

Dear Mr. Depaula:

Enclosed is the Department of Ecology's *Report of Examination*. This report contains our decision regarding your application.

Your application has been approved.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

| Street Addresses  | Mailing Addresses  |
|---|--|
| Department of Ecology<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | Department of Ecology<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| Pollution Control Hearings Board<br>1111 Israel Road SW<br>Suite 301<br>Tumwater, WA 98501        | Pollution Control Hearings Board<br>PO Box 40903<br>Olympia, WA 98504-0903                       |



Mr. Depaula  
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*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>.  
To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>.*

If you have any questions, please contact Gene Drury at 509-329-3566.

Sincerely,

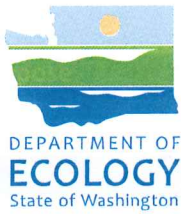


Keith L. Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

KLS/KB:md

Enclosures: Report of Examination  
*Your Right To Be Heard*

**By Certified Mail:** 7015 0640 0003 6619 7225



# State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

**PRIORITY DATE**  
June 21, 2016

**WATER RIGHT NUMBER**  
S3-30766

**MAILING ADDRESS**  
Andrew Depaula  
1314 S. Grand Blvd #2181  
Spokane WA 99202

**SITE ADDRESS (IF DIFFERENT)**

## Quantity Authorized for Diversion

| DIVERSION RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|----------------|-------|-------------------------|
| 0.022          | CFS   | 2                       |

## Purpose

| PURPOSE  | DIVERSION RATE |              | UNITS | ANNUAL QUANTITY (AF/YR) |              | PERIOD OF USE<br>(mm/dd) |
|--|----------------|--------------|-------|-------------------------|--------------|--------------------------|
|  | ADDITIVE       | NON-ADDITIVE |       | ADDITIVE                | NON-ADDITIVE |                          |
| Single Domestic supply (including stockwater, irrigation of ½ acre of lawn and garden) | 0.022          |              | CFS   | 2                       |              | 01/01 - 12/31            |

## Source Location

| COUNTY  | WATERBODY      | TRIBUTARY TO |  |  |  | WATER RESOURCE INVENTORY AREA |  |
|---------|----------------|--------------|--|--|--|-------------------------------|--|
| Lincoln | UNNAMED SPRING |              |  |  |  | 54                            |  |

| SOURCE FACILITY/DEVICE | PARCEL        | TWP | RNG | SEC | QQ Q | LATITUDE   | LONGITUDE   |
|------------------------|---------------|-----|-----|-----|------|------------|-------------|
| spring                 | 2738801000200 | 27  | 38  | 25  | NESE | 47.8080524 | 117.9526203 |

Datum: NAD83/WGS84

### Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2738801000200

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The south 440 feet of the north 880 feet of the N½ of the SE¼ of Section 25 except the west 660 feet thereof, of Section 25, T. 27 North R. 38 E.W.M.

### Proposed Works

a spring, storage tanks

### Development Schedule

BEGIN PROJECT

9-1-2017

COMPLETE PROJECT

9-1-2018

PUT WATER TO FULL USE

9-1-2020

### Measurement of Water Use

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (cfs)

### Provisions

#### Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

#### Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

#### Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate contracting with a Certified Water Right Examiner (CWRE) to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.



### Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

### Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S3-30766, subject to existing rights and the provisions specified above.

### Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

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Signed at Spokane, Washington, this 13<sup>th</sup> day of September, 2016.

  
Keith L. Stoffel, Section Manager

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## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application N. S3-30766.

### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Davenport Times on July 28 and August 4, 2016 and no protests were received

### *Consultation with the Department of Fish and Wildlife*

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. No comments or concerns were received.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## INVESTIGATION

A site visit was conducted July 26, 2016. The applicant was present. The applicant proposes to construct a residence with a lawn and garden. The property is high on a basalt bluff the construction of a well does not appear feasible. Approximately 150 feet below the basalt cliff at the base of the tallis slope is a small spring. The spring was flowing approximately 2-4 gallons per minute at the time of the field exam. The spring flows in a small stream for 30 to 50 feet downslope and infiltrates back into the slope of the hill. The spring and the small stream are all located on the applicant's property. The applicant proposes to develop the spring in an effort to increase flows and install a holding tank at the spring source. The excess water would continue to flow in the original location. A pump will be required to pump the water up the face of the bluff to a second holding tank near the site of the proposed residence. A RV will be the residence until such time a more permanent structure can be built.





### **Beneficial Use**

Single domestic supply including lawn, garden irrigation, stockwater, are beneficial uses.

Ten gallons per minute (0.022cfs), 2 acre-feet per year should be sufficient for single domestic supply (including the lawn, garden and stock).

### **Water Availability**

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well. There is sufficient water for single domestic supply including garden, lawn and stockwater. Storage will be required to satisfy these requirements.

These springs rise and fall on the applicant's property and do not directly contribute to any surface water source.

Therefore, water for single domestic supply (including lawn, garden and stockwater), is available for appropriation.

### **Existing Water Right Documents**

Review of the water right record does not indicate any water right documents within ½ mile of the proposed spring.

### **Impairment Considerations**

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed diversion. There are no water right claims or state issued water right certificates located adjacent to the applicant's property.

Based on the review of these records, the use of the water from the spring will not have impacts or impair existing water rights.

### **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

### **Conclusions**

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that surface water is available for single domestic supply, lawn, garden, and stockwater. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

### **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

### **Purpose of Use and Authorized Quantities**

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.022 cubic feet per second - 2 acre-feet per year

  
Kevin Brown, Report Writer

  
Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



